

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

---

KONINKLIJKE PHILIPS ELECTRONICS  
N.V. and U.S. PHILIPS CORPORATION,

Plaintiffs,

v.

THE ADS GROUP fka ADVANCED  
DUPLICATION SERVICES LLC; AMERICAN  
MEDIA INTERNATIONAL, LTD.;  
CARBONITE INC.; THE COMVEST GROUP;  
CONCORD RECORDS, INC.; CONCORD  
MUSIC GROUP, INC; EVA-TONE, INC.;  
HAL LEONARD CORP.; HUDSON VALLEY  
CAPITAL PARTNERS, INC.; INOVERIS LLC;  
INTUIT INC.; METATEC INTERNATIONAL,  
INC.; MTI ACQUISITION LLC aka MTI  
ACQUISITION CORP.; MUSIC CITY OPTICAL  
MEDIA, INC.; ZOMAX INCORPORATED;  
MICHAEL F. HARDWICK, an individual; ARUN  
KHURANA, an individual; JEAN A. LAGOTTE  
JR., an individual; JOHN EDGAR MOLL, an  
individual, JOHN STEVEN MOLL, an individual;  
DAVID A. SILVON, an individual; and John Does  
No. 1 through 100

Defendants and  
Counterclaim Plaintiffs.

---

Civil Action No.08-cv-4068 (CLB)

ECF Case

**JOINT NOTICE OF MOTION AND MOTION TO DISMISS**  
**PATENT INFRINGEMENT CLAIMS AGAINST CUSTOMERS**

PLEASE TAKE NOTICE that defendants Carbonite Inc. (“Carbonite”), Hal Leonard Corp. (“Hal Leonard”) and Intuit Inc. (“Intuit”) will respectfully move this Court on July 25, 2008 at 10:00 a.m., or as soon thereafter as counsel may be heard, at the United States Courthouse at 300 Quarropas Street in White Plains, New York, before the Honorable Charles L.

Brieant, United States District Judge, for an Order pursuant to Rules 12(b)(6) of the Federal Rules of Civil Procedure granting their motion to dismiss the Second Count of the First Amended Complaint and granting such other and further relief as the Court may deem just and proper.

This motion is based upon the accompanying Joint Memorandum of Law in support of this Motion and the exhibit attached thereto and all the pleadings to date.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Civil Rule 6.1, opposing papers, if any, must be served on the undersigned counsel on or before July 14, 2008, and reply papers, if any, will be served on July 24, 2008.

Respectfully submitted,

COOPER & DUNHAM LLP

Dated: June 26, 2008

/s/ Ivan S. Kavrukov  
Ivan Kavrukov (IK 4452)  
William E. Pelton (WP 1850)  
Tonia A. Sayour (TS 7208)  
Gregory J. Carbo (GC 8459)  
1185 Avenue of the Americas  
New York, New York 10036  
Tel: (212) 278-0400  
Fax: (212) 391-7550  
wpelton@cooperdunham.com  
ikavrukov@cooperdunham.com  
tsayour@cooperdunham.com  
gcarbo@cooperdunham.com

**CERTIFICATE OF SERVICE**

I hereby certify that on the 26<sup>th</sup> day of June, 2008, I electronically filed the foregoing **JOINT NOTICE OF MOTION AND MOTION TO DISMISS PATENT INFRINGEMENT CLAIMS AGAINST CUSTOMERS** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Edward D. Johnson  
MAYER BROWN LLP  
Two Palo Alto Square, Suite 300  
3000 El Camino Real  
Palo Alto, California 94306-2112  
wjohnson@mayerbrown.com

Vince P. Kovalick  
John F. Hornick  
Samuel C. Bass  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.  
901 New York Avenue, N.W.  
Washington, D.C. 20001  
vince.kovalick@finnegan.com  
John.Hornick@finnegan.com  
Samuel.Bass@finnegan.com

Christopher J. Hought  
MAYER BROWN LLP  
1675 Broadway  
New York, New York 10019  
chought@mayerbrown.com

/s/ Ivan S. Kavrukov  
Ivan S. Kavrukov